

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket No.
013921-000026CON3

In the Application of: Gehrke, Thomas
Application No.: 10/763,588
Filed: January 23, 2004
For: PENDEOEPIAXIAL METHODS OF FABRICATING GALLIUM NITRIDE SEMICONDUCTOR
LAYERS ON SAPPHIRE SUBSTRATES, AND GALLIUM NITRIDE SEMICONDUCTOR
STRUCTURES FABRICATED THEREBY

The owner of the entire interest in the instant application, North Carolina State University, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the earliest expiring of prior Patents No. 6,686,261, 6,521,514 and 6,489,221. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

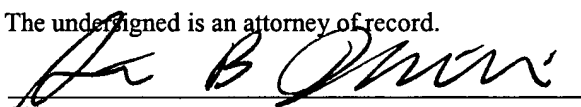
In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.


Signature

27 July 05
Date

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

Name and Address of Person Signing

Steven B. Phillips
Moore & Van Allen, PLLC
430 Davis Dr., Suite 500
Morrisville, NC 27560-6832
Attorney for Applicants

Certificate of Mailing (37 CFR § 1.10)

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail on July 27, 2005 addressed to the Assistant Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing

Patricia L. Pontello

Printed Name of Person Mailing

07/29/2005 FHTEK11 00000001 10763588

01 FC:1814

130.00 OP